

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC

In the matter of (

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Modernization of Media Regulation Initiative ( MB Docket 17-105

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This is a series of replies to other Commenters in the current docket, and is focused on regulations that affect the Low Power FM (LPFM) service. I am the operations manager for KGCE-LP/Modesto which signed on June, 2015.

- I. Station Identification
- II. Political File
- III. Reassignment of Spectrum
- IV. FM translators displacing LPFMs
- V. REC Networks' comments
- VI. Other commenters / subjects

I. Station Identification

I was frankly surprised at how many Commenters wished to modify or do away with the Station Identification rule. For a LPFM, the formal, traditional, Top of Hour identification is the easiest way to identify a distant station, a new station, and/or a station that may be causing interference (legal or otherwise) to our signal.

- On the comments of America's Public Television Stations, *etc.*<sup>1</sup>: I disagree with their suggestion to eliminate the need for a formal Station Identification [ID], especially for radio stations.

I would suggest the following modification (which can be specific to radio stations) to §73.1201 (a)(2):

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<sup>1</sup> Including Corporation for Public Broadcasting, National Public Radio, Inc., & Public Broadcasting Service, posted 7/5/17, ID #10705136180518.

Hourly, within ten minutes of the hour, at a natural break in program offerings...

And I would add §73.1201 (a)(3):

If a long-form, live program is to be aired through the top of an hour, a Station Identification before and after the program is sufficient.

Examples of a long-form, live program would be sporting events, worship services, Congressional hearings, etc. There is of course nothing preventing a station from briefly interrupting the program with a slogan or even their legal ID, but the “live” experience may dictate that a rigid application of §73.1201(a)(2) is not elegant.

I would also ask the Commission to use reasonable discretion in enforcing these rules for radio stations. Even if a station misses several IDs per day, violation of this rule, by itself, should not be grounds for any penalty. The realities of radio automation mean that, even in the best of circumstances, an occasional ID may go missing.

Every radio station should be able to regularly identify itself, most hours of the day, within ten minutes of the hour, and using their CORRECT community or communities of license [COL]. It has been argued to let stations define for themselves how to identify themselves. And I suppose it would be easier, would we ever have a network of “GraceRadio” stations, to simply identify as “GraceRadio” and relegate the call letters to the dustbin of history. But many people still ask me what the call letters are of our station. Not only for those of us who work in radio, but for lay people as well do call letters, and their regular use, still serve a valuable function.

One of the more annoying practices I hear regularly is when stations “bury” their legal IDs, sometimes more than 15 minutes before the top of the hour, and even omitting their COL (!). Am I in favor of penalizing a station just for this? Again, I answer no, but I believe it violates the letter and spirit of the original rule. However, using a local example<sup>2</sup> if a station wished to identify itself with their call letters, frequency, and market(s) served instead of COL, at the top of the hour, that may be a reasonable alternative. Then §73.1201(b)(1) could begin

Official station identification shall consist of the station's call letters, immediately followed by the community or communities specified in its license; alternatively, in place of the community or communities of license, the market or markets served (eg. the larger city or cities nearest the community of license) may immediately follow the call letters; Provided...

Television stations may use a simple graphic if they do not wish to interrupt live

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<sup>2</sup> “La Favorita,” a network of Regional Mexican music stations, used to identify themselves at the top of the hour as some variation of “KCFA, 106.1, Sacramento; KBYN, 95.9, Modesto-Stockton; KSKD, 95.9, Merced-Madera” even though their COLs are Arnold, City of Angels, and Livingston, respectively.

programming, as many stations do now. I do understand the argument regarding TV translators; at least, the originating TV station or network should identify themselves at the top of the hour.

- On related filings by “Joint Radio Commenters” [JRC] beginning with Alpha Media, *etc.*<sup>3</sup> and Mark V. Humphreys<sup>4</sup>: They propose relaxing the ID requirements as well. I have already proposed a solution for live broadcasts above. I disagree with JRC’s implication that only “...call letters or a locally recognized brand name or moniker” are sufficient, and with their arguments that visual IDs (eg. RDS) are also sufficient. Radio is an aural medium, and the quickest and easiest way to identify a radio station is by the simple, universal formula of call letters and COL, in audio form, at the top of the hour. The burden of a 30 second (or even two minute) top of hour ID for a network of stations is a small one.
- On a related filing by Western Inspirational Broadcasters, Inc.<sup>5</sup>: They cite thirty-six plus hours a year that could be gained by eliminating translator IDs. But, in real application, we are really talking about six minutes a day, not a large enough amount of time to justify their argument of providing a significant amount of “more meaningful and relevant” programming. And while there is technology that may provide information as to possible interferers, again I state that the quickest and easiest way to confirm whether a specific transmitter is on the air is the simple formula of call sign and COL. Still, in the interest of simplification, I might suggest the following modifications to §74.1283 (c)(1):

...identify the translator by call sign and location. One such identification shall be made daily between 12:50pm and 1:10pm, local time of the translator.

## II. Political File

I generally agree with the suggestion by America’s Public Television Stations<sup>6</sup> *etc.* to eliminate the reporting requirement for NCEs, though for LPFMs and smaller NCEs, I daresay this rule is valuable to think through, so we do not violate NCE broadcast standards for accepting political advertisements. I might change rule §73.1943(a) as follows:

Every licensee shall keep and permit public inspection of a complete and orderly record (political file) of all charges for broadcast time made by or on behalf of a candidate for public office. Such a record includes when spots actually aired and the rates charged.

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<sup>3</sup> Alpha Media, LLC, Emmis Communications Corporation, iHeartMedia, Inc., Liberman Broadcasting, Inc., New York Public Radio, and Urban One, Inc., posted 7/5/2017, ID #10705160979107

<sup>4</sup> Of Exton, PA, posted 7/5/17, ID #10705286919347

<sup>5</sup> Of Carson City, NV, posted 6/27/17, ID #10627170859850

<sup>6</sup> Including Corporation for Public Broadcasting, National Public Radio, Inc., & Public Broadcasting Service, posted 7/5/17, ID #10705136180518.

If no charges are ever accepted by the licensee, a simple notation to that effect is sufficient.

### III. Reassignment of Spectrum

- On Robert E. Lee's<sup>7</sup> comments: I would ONLY agree with his recommendation to raise LPFM stations' maximum operating power to 250 watts<sup>8</sup>. While his overall idea of moving stations into the Channel 6 band is intriguing, for LPFM stations it may be disastrous, since many current radios cannot receive these stations, and LPFM stations (and I suspect many NCE stations) could not afford to wait the several years it would take for new radios to be available, or for older radios to be retrofitted to receive the new frequencies below 87.7 MHz.
- On Aaron Read's<sup>9</sup> comments: I agree with his recommendation to open up 87.9 FM to noncommercial stations, in the order he suggests.

### IV. FM translators displacing LPFMs

- On Don Davis's<sup>10</sup> comments: He proposes that FM translators used as AM fill-in stations be allowed to "displace" LPFM stations. At the very least, said translator licensee should not just "reimburse" the LPFM licensee being displaced but should, at the translator licensee's expense, provide the technical solution(s) for the displaced LPFM as well as ALL expenses related to the LPFM's displacement. The LPFM should have the right with a simple Opposition to have the Commission review the translator's solution formally as well. Even with this modest revision of mine, I do not agree with Mr. Davis, which essentially relegates LPFM to a tertiary service, "under" translators.

### V. REC Networks'<sup>11</sup> comments:

I am in general agreement with REC's efforts to streamline regulations specific to the LPFM service. More specifically:

- Regarding section III.C. [§73.810. Third adjacent channel periodic announcements] These should be eliminated as REC recommends. Our own station is a classic example of this poorly delineated regulation: We have actually aired four different such announcements, two at our former frequency of 106.1 (for third adjacent channels 105.5,

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<sup>7</sup> Of QXZ MediaWorks, Corpus Christi, TX, posted 7/3/2017, ID #1070376460514

<sup>8</sup> Which has been previously proposed, for example, Petition for Rulemaking RM-11749: "Improvements to the LPFM Radio Service."

<sup>9</sup> Of East Providence, RI, posted 5/22/17, ID #10522890421081

<sup>10</sup> Of Albuquerque, NM, posted 7/5/17, ID #10705906620518

<sup>11</sup> Of Mardela Springs, MD, posted 6/27/17, ID #1062722219634

and subsequently 106.7), and two at our current frequency of 107.9 (for 107.3 for two different stations, with a third likely soon). In no case have we ever received any complaints or even comments. There was no chance our 100 watt signal would ever interfere with these other stations, either because they were too distant or too powerful compared to ours.

- Regarding section K [Use of certified transmitters]: Besides sharing the concern re: cracking down on transmitters made for the 'pirate' broadcaster, we would more strongly urge the Commission to rule that it is acceptable for LPFMs to use comparable equipment to what an FM translator is allowed to use. REC's point #87 is particularly relevant here. There are plenty of transmitter models by reputable manufacturers such as Crown and BW, including older models, that would be valuable and well usable by LPFMs as primary or backup transmitters.

#### VI. Other commenters and subjects

- Regarding KIOF-LP's<sup>12</sup> comments: Mr. LaPorta should be aware that some of his suggestions, eg. repealing the LCRA, would require an Act of Congress and thus go beyond the FCC's authority. I agree with his recommendation of the optional use of the -LP suffix for a legal station ID. I am in favor of his proposed power increase (a similar proposal to 250 watts is already before the Commission<sup>13</sup>), subject to non-interference with other stations, though I believe a simpler tiered chart of say, L250, L500, and L1000 may be good enough (the number designating the maximum ERP for the station).

Respectfully submitted,

(electronically sent)

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<sup>12</sup> 97.9 FM / Las Vegas Public Radio (NV), posted 5/17/2017, ID # 1051684956552

<sup>13</sup> See Petition for Rulemaking RM-11749: "Improvements to the LPFM Radio Service."